

REMARKS

Claims 1-30, 32-35, 40-41 and 43-45 are canceled without prejudice or disclaimer. Claim 31 is amended.

Applicants respectfully submit that the trademarks have been properly identified as trademarks in the application. If the Examiner has a specific concern with the designation of any trademark, Applicants will make the appropriate correction to the specification.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejection of Claims 31-35, 42-45 and 51-54 under 35 U.S.C. 112

Claims 31-35, 42-45 and 51-54¹ are rejected under 35 U.S.C. 112, as allegedly lacking enablement. The Examiner indicates that although the claims are enabled for nucleic acid sequences having at least 95% identity, they are not enabled for nucleic acid sequences having 80% identity.

In order to expedite prosecution, the claims are amended to recite 95% identity to the reference sequences.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

¹ The identified claims do not seem to correspond to the subject matter the Examiner has indicated lacks enablement. C.f., e.g., the indication of claims 36-39, 42 and 46-50 as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

II. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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